IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 2288 of 2007
Date of decision : 28.4.2007

Centurion Bank of Punjab Ltd.

...Petitioner.

Versus

Harminder Singh

...Respondent.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.Sandeep Suri,Advocate
for the petitioner.

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VINOD K. SHARMA, J. (ORAL)

Present revision petition has been filed against the order dated 30.11.2006 passed by the learned Civil Judge (Jr. Divn.), Ludhiana vide which application moved under Order 7 Rule 10 read with Section 151 C.P.C. for return of the plaint for want of jurisdiction has been dismissed.

The contention of the learned counsel for the petitioner is that the learned Court below was not right in dismissing the application as the Court at Jagraon had the jurisdiction to entertain and try the suit in view of the agreement executed between the parties, which restricted the jurisdiction of dispute to the Jagraon Court. However, reading of the plaint shows that neither the Branch Office at Jagraon is party nor any cause of action is shown to have accrued to the plaintiff against the respondent at Jagraon. The reading of the plaint prima facie shows that Jagraon Court does not have the jurisdiction to try and entertain the present suit. The

learned Court, therefore, was right in coming to the conclusion that the parties by consent cannot confer jurisdiction in a Court which does not have the same as per law.

Accordingly, there is no merit in this revision petition.

Dismissed.

However, the observations made above may not be construed as an expression on the merits of the case.

The petitioner would be entitled to prove on record by filing the written statement and take any defence in this case with regard to the jurisdiction.

28.4.2007 **(VINOD K. SHARMA)**
'sp' **JUDGE**